

**City of Miami Beach - City Commission Meeting**  
**Commission Chambers, 3rd Floor, City Hall**  
**1700 Convention Center Drive**  
**March 19, 2003**

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Mayor David Dermer  
Vice-Mayor Luis R. Garcia, Jr.  
Commissioner Matti Herrera Bower  
Commissioner Simon Cruz  
Commissioner Saul Gross  
Commissioner Jose Smith  
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez  
City Attorney Murray H. Dubbin  
City Clerk Robert E. Parcher

**ATTENTION ALL LOBBYISTS**

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

PA1      Cert. of Apprec./Anthony Shaw, Employee of the Month/"At Your Service Award" Winner.  
PA2      **D**-Announcement of the Redesign Miami Beach Flag Contest Winner. (Dermer)  
PA3      Cert. of Apprec./Richard Booth, Southern Wine & Spirits, Contribution to the City. (Dermer)  
PA4      Cert. of Apprec./E. Domingues & A. Estraviz, Combating Drinking & Driving. (Smith)  
PA5      Presentation by Bill Farkas, South Florida Art Center, "Where Art is Happening" Book.  
PA6      **D**-Presentation by Luis Salom, Miami Bch Sharks Baseball Team & Optimist Club. (Dermer)  
PA7      Cert. of Completion/Participants of the City's Community Emergency Response Teams.  
PA8      **New Item:** Cert. of Apprec./Several Individuals, Starting/Maintaining the "Teen Job Corps." (Garcia)  
PA9      **New Item:** Proclamation/Michael Muley, "Officer of the Month" (7) Times this Year. (Steinberg)  
PA10    **New Item:** Cert. of Apprec./Neil Fritz, (10) Years of Commitment to City Organizations. (Gross)

C2A      BA 29-01/02, Supply/Install Window Tinting for the MBCC & TOPA, \$76,125.

C4A      Ref: Land Use & Development Committee - Altos Del Mar Recreational Corridor. (Bower)

C6A      Report: Finance & Citywide Projects Committee Meeting of February 20, 2003.

C6B      Report: Neighborhoods Committee Meeting of February 24, 2003.

C6C      Report: General Obligation Bond Oversight Committee Meeting of March 3, 2003.

C7A      Execute Agmt, To Participate in CAA's Life Support Initiative Program.

C7B      Set Public Hearing, Review DRB Decision Requested by Lofts at South Beach, Inc.

C7C      Adopt 1<sup>st</sup> Amendment to the General/Enterprise & Internal Service Funds FY 02/03 Budgets.

C7D      Issue Cert. of Consistency, Provide Outreach & Case Mgmt Services to Homeless in MB.

C7E      Adopt 2<sup>nd</sup> Budget Amendment to the Police Special Revenue Account for FY 02/03.

C7F      Adopt 2<sup>nd</sup> Amendment to the Police Confiscated Trust Fund Budget for FY 02/03.

C7G      Accept Ranking of Proposals, Consulting Services for Preparation of (5) Yr Consolidated Plan.

C7H      Accept Recommendation, Provide Bond Underwriting Services to the City.

**REGULAR AGENDA**

- R5A     **10:30 a.m. 1<sup>st</sup> Rdg**, Revisions to Parking Lots or Regulations on Certain Lots (Ocean Drive). **5/7**  
R5B     **10:45 a.m. 2<sup>nd</sup> Rdg**, Amendment to RM-PRD Land Development Regulations. **5/7**  
R5C     **11:30 a.m. 2<sup>nd</sup> Rdg**, Ordinance Changing Election Date for 2003 Run-Off Election.  
R5D     **11:35 a.m. 2<sup>nd</sup> Rdg**, Required Votes by the Commission to Appoint Board Members. **5/7**  
R5E     **2:00 p.m. 2<sup>nd</sup> Rdg**, Extending the Hours for the Sale of Beer and Wine. (Garcia)  
R5F     **1<sup>st</sup> Rdg**, Lifestock - Strike Selections from LDR's & Transferring to Chapter 10, "Animals." **5/7**  
R5G     **1<sup>st</sup> Rdg**, Repealing Nuisance Abatement Board Ordinance.  
R6A     Report: Finance & Citywide Projects Committee Meeting of March 12, 2003.  
R6B     Verbal Report: Land Use & Development Committee Meeting of March 17, 2003.
- R7A     **Joint**, Approve Selection of the Artist, Andrew Reid, for the Victory Garden Project.  
R7B     Approve Bid Waiver, Purchase Florida Royal Palms - La Gorce Island Landscaping Project. **5/7**  
R7C     Express Opposition to Senate Bill which Set Forth Amendments to the Bert J. Harris, Jr. Act.  
R7D     **1:45 p.m.** Accept Recomm., Mgmt of St. Markets - Lincoln Rd/Espanola/Normandy Village.  
R7E     Authorize/Provide Input for City's Submittal of an Update to the Beachfront Mgmt Plan.  
R7F     **3:45 p.m.** Approve Wolfsonian-FIU Grant, Development of a Shop/Café on Washington Ave.  
R7G     **4:00 p.m.** Award JOC for Public Works, Citywide Construction, & Capital Improv. Projects.  
R7H     **11:00 a.m.** Accept GMP, Pre-Construction Services w/ Jasco Construction.  
R7I     Approve Settlement w/ Charles Hotel & Execute Any and All Necessary Documents.
- R9A     Board and Committee Appointments.  
R9A1    Health Advisory Committee Appointments.  
R9A2    General Obligation Bond Oversight Committee.  
R9B1    **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
R9B2    **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.  
R9C     Disc. 75<sup>th</sup> Street/Dickens Avenue Water Tanks Facility. (Smith)  
R9D     **3:00 p.m.** Report on Memorial Day Weekend 2003 (May 22 - May 26, 2003)  
R9E     Disc. & Referral, MPO's 120-Day Extension for The Bay Link. (Steinberg)  
R9F     Disc. FDOT's Plans re: Configuration of Harding Avenue. (Garcia)

**R10 - CITY ATTORNEY REPORTS**

- R10A    **Noon Break**, Executive Session: Christopher Matthews Prop. vs. Charles Hotel Condo Assoc.

**REPORTS AND INFORMATIONAL ITEMS**

- A     Parking Status Report.  
B     Status Report on Fire Station No. 2.  
C     Status Report on Fire Station No. 4.  
D     Report on Federal, State, Miami-Dade County & All Existing City Contracts for Renewal.  
E     **D**-Transportation & Parking Committee Oral Report by Stephen Nostrand.  
F     **10:00 a.m.** Verbal Report: Acquisition of "The Courts" (131 Alton Road) & Possible Uses.  
G     City Attorney's Status Report.

**REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.**

- 2A     Report of Itemized Revenues/Expenditures of RDA for January 2003.  
3A     **Joint**, Approve Selection of the Artist, Andrew Reid, for the Victory Garden Project.  
3B     Appropriate S. Pointe Tax Increment Funds, Construction Costs Associated w/ SSDI-North.  
3C     Accept a Grant of a Temporary Baywalk Easement, Alaska Parcel Temporary Parking.



Meeting called to order at 9:23:06 a.m.

Pledge of Allegiance led by Chief De Lucca

Inspirational Message given by Rabbi Feldman, Temple Emanu-El

**Addendum Items:** C7H, R7I, R9E, R9F, and Report Item G

**Supplemental Materials:** R7D (Additional information), R7G (Resolution), and R7H (Contract), R9D (Additional Information), Reports F (Additional information), RDA 3B (Resolution).

**ACTION:** Motion made by Commissioner Steinberg to add item R9E as an emergency item to the agenda; seconded by Commissioner Cruz; Voice vote: 7-0.

**ACTION:** Motion made by Vice-Mayor Garcia to add item R9F as an emergency item to the agenda; seconded by Commissioner Steinberg; Voice vote: 7-0.

**ACTION:** Motion made by Steinberg to add item C7H and Report G as emergency items to the agenda; seconded by Commissioner Bower; Voice vote: 7-0.

### **PA - Presentations and Awards**

10:07:11 a.m.

PA1 Certificate Of Appreciation To Be Presented To Employee Of The Month/"At Your Service Award" Winner.

(City Manager's Office)

**ACTION:** Certificate presented to Anthony Shaw, Central Services Equipment Operator.

Jorge Gonzalez, City Manager, stated that the Administration has amended the "At Your Service Award" to make it also the "Employee of the Month" officially.

Robert Parcher, City Clerk, spoke.

Anthony Shaw spoke.

Commissioner Cruz stated that Central Service is a great department, whose staff is always smiling and willing to help. He added that It just makes one feel good going there.

### **Announcement**

Jorge Gonzalez, City Manager, stated that in the past Vice-Mayor Garcia had requested a front-desk for City Hall. He announced that a ribbon cutting ceremony for the "Answer Center" located outside on the first floor will be held next Wednesday [March 26] after the Mayor's State of the City Address.

He added that March is Women's History Month and locally there is a program called "Women Worth Knowing in Miami Beach." Miami-Dade County also has a similar program called "In the Company of Women". They recognize women who have made outstanding contributions for the quality-of-life for Miami-Dade County and its residents. Miami Beach was well represented with three of the nine recipients being women in Miami Beach: Roymi Membiela, Chair of the Community Relations Committee, Liliam Lopez, President of the Latin Chamber of Commerce, and Christina Cuervo, Miami Beach Assistant City Manager. He congratulated all recipients.

### **Announcement**

Mayor Dermer announced the Mayor's Ball to be held on Saturday, March 22, at the Miami Beach Botanical Garden Center. He also announced the Mayor's State of the City Address which will be held

on Wednesday, March 26. Mayor Dermer added that there will be a rededication of City Hall following the Mayor's State of the City Address. This year is the 25th anniversary of City Hall and former Mayors, Commissioners, and City official will be invited to the ribbon cutting ceremony.

## Announcement

Commissioner Bower stated that she is very saddened by the passing of Carmen Granda who worked with Ayuda. Commissioner Bower asked for a moment of silence and prayer in her memory. Carmen Granda was an unsung hero and achieved a lot for this community.

- PA2      Announcement Of The Redesign The Miami Beach Flag Contest Winner.  
(Requested By Mayor David Dermer)

**ACTION:** Item deferred.

- PA3 Certificate Of Appreciation To Be Presented To Richard Booth Of Southern Wine And Spirits, For His Valuable Contribution To The City Of Miami Beach.  
(Requested By Mayor David Dermer)

**ACTION:** Item deferred.

9:25:30 a.m.

- PA4 Certificates Of Appreciation To Be Presented To Officer Eric Domingues And Sergeant Alberto Estraviz,  
In Recognition For Their Efforts In Combating Drinking And Driving.  
(Requested By Commissioner Jose Smith)

**ACTION:** Certificates presented.

Commissioner Smith introduced the item.

Chief De Lucca introduced Officer Domingues and Sergeant Estraviz.

Sergeant Alberto Estraviz spoke.

9:56:00 a.m.

- PA5 Presentation By Bill Farkas, From The South Florida Art Center, Who Will Be Presenting The Mayor And City Commission With Copies Of The "Where Art Is Happening" Book.  
(City Clerk's Office)

**ACTION:** Presentation made.

Mr. Bill Farkas presented the Commission with a copy of the book titled: "Where Art is Happening," ARTCENTER/SOUTH FLORIDA, Lincoln Road, Miami Beach - Mark Coetzee. He thanked the City Commission for their support over the years and looks forward to the future.

Commissioner Gross thanked Mr. Farkas for his effort at the Art Center. He stated that the Art Center is what has brought Lincoln Road back.

Mr. Bill Farkas invited the Commission to come and visit the Center.

Vice-Mayor Garcia thanked the Art Center and wished them continued success in future endeavors.

Handout or Reference Materials:

1. Book titled "Where Art is Happening," ARTCENTER/SOUTH FLORIDA, Lincoln Road, Miami Beach - Mark Coetzee.

- PA6 Presentation by Mr. Luis Salom Regarding An Update On The Miami Beach Sharks Baseball Team And The Miami Beach Optimist Club.  
(Requested By Mayor David Dermer)

**ACTION:** Item deferred.

10:00:32 a.m.

- PA7 Certificates Of Completion To Be Presented To The Participants Of The City's Community Emergency Response Teams.  
(Neighborhood Services)

**ACTION:** Certificates presented to Silvia Prieto, Osvaldo Dorticos, Victor Guembes, Mario Lara, Faye Goldin, Sidney Goldin, and Maria C. Rangel.

Jorge Gonzalez, City Manager, explained the concept.

Vivian Guzman, Neighborhood Services Department Director, explained the program and recognized the citizens who participated in the program. She thanked the Fire Department for their assistance.

Vice-Mayor Garcia commended the City Manager for implementing this concept.

**9:43:12 a.m.****New item:**

PA8 Certificates Of Appreciation To Be Presented For Being Instrumental In Starting And/Or Maintaining The Existence Of The "Teen Job Corps" To: Mike Thompson, Officer David de la Esperiella, Jerry Libbin, Neil Fritz, Deborah Ruggiero, Mayra Delerme, Clair Tomlin, Barry Klein, Frank Pintado, Margarite Cepeda, Diana Susi, Joseph Fontana, Capt. Brian Sliman, and Gladstone Phillips.

**ACTION:** Certificates presented.

Vice-Mayor Garcia introduced the item.

Mike Thompson spoke.

Commissioner Smith stated that Mike Thompson is called "the sheriff" of Normandy Isle. He stated that the kids have a lot of respect for him. Mike has also developed very unique relationship with the kids and has been able to turn around a lot of troubled kids.

Commissioner Bower thanked Mike for his perseverance in this project.

Commissioner Cruz congratulated Mike.

Commissioner Steinberg stated that Mike has been behind this project since the beginning and thanked him for his hard work.

Commissioner Gross thanked Mike for all his hard work on this project.

Vice-Mayor Garcia acknowledged the death of a dear friend Carmen Granda.

Teen Job Corps T-shirts were distributed to the Commission.

**9:29:29 a.m.****New Item:**

PA9 Proclamation To Be Presented To Officer Michael Muley Who Has Been Chosen Officer Of The Month Seven (7) Times This Year By Seven Different Supervisors.

**ACTION:** Proclamation presented.

Commissioner Steinberg stated that this is the first time in the City's history that a Miami Beach Police Officer has received the Miami-Dade County Officer of the Year Award. He stated that Officer Muley is an outstanding officer and the City and the Commission are happy to have him here and declare this day "Officer Muley Day" in Miami Beach.

Officer Muley thanked the City and the Police Department for the support he and his family have received since he joined the force. He thanked everyone who attended the Awards Ceremony.

Chief De Lucca restated the accomplishments of Officer Muley and stated that he is proud to have Office Muley as a member of the Miami Beach Police Department.

**9:34:27 am****New Item:**

PA10 Certificate Of Appreciation To Be Presented For Ten Years Of Commitment To The City Of Miami Beach, Including Working With The Collins Avenue Task Force, The Washington Avenue Business Improvement District, the South Beach Business Guild and Gay and Lesbian Chamber Of Commerce, The Gay And Lesbian Film Festival, Chairing The City's Transportation & Parking Committee, Coordinating the Year 2000 Mayor's Economic Task Force, and Acting As Executive Director For North Beach Development Corporation.

**ACTION:** Certificate presented.

Commissioner Gross introduced the item.

Neil Fritz spoke.

**CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Steinberg to approve the Consent Agenda; seconded by Commissioner Bower; Voice vote: 7-0.

**C2 - Competitive Bid Reports**

C2A Request For Approval To Award A Contract To Confianza Window Tinting Inc. In The Amount Of \$76,125, Pursuant To Bid No. 29-01/02 - Supply And Installation Of Window Tinting For The Miami Beach Convention Center And The Jackie Gleason Theater Of Performing Arts (TOPA).  
(Procurement)

**ACTION: Award approved.** Doug Tober to handle.

**C4 - Commission Committee Assignments**

C4A Referral To The Land Use And Development Committee - Discussion Regarding Altos Del Mar Recreational Corridor.  
(Requested By Commissioner Matti Herrera Bower)

**ACTION: Item withdrawn.** See the Land Use And Development Committee Meeting Agenda of Monday, March 17, 2003.



**C6 - Commission Committee Reports**

- C6A Report Of The Finance And Citywide Projects Committee Meeting Of February 20, 2003: **1)** Byron Carlyle Theater; **2)** Lincoln Road Marketing; **3)** Minimum Pension Benefit Resolution; And **4)** Discussion Of The Proposed Refinancing Transaction Through The Miami Beach Health Facilities Authority For Mount Sinai Medical Center.

**ACTION: Written report submitted.**

**Item 1.**

Item deferred.

**Item 2.**

The Committee moved the item to the full Commission, recommending the City of Miami Beach: Appropriate \$37,784.75 to Lincoln Road Marketing, Inc. for the purpose of marketing Lincoln Road as a destination; authorize Administration to process future request for Lincoln Road concession revenues administratively as part of the annual operating budget process; and, request that as a condition for City funding, Lincoln Road Marketing, Inc. begin charging annual membership dues. See Commission action February 26, 2003 - C7D.

**Item 3.**

The Committee directed Administration to bring back the Minimum Pension Benefit Resolution item to the next Finance and Citywide Projects Committee Meeting and further instructed Administration and representatives from the Fire and Police Pension to prepare a package outlining pertinent issues related to the supplemental plans created for firefighters and police officers in the Florida Statutes 175 and 185 and distribute to Committee members before the next scheduled meeting. **Mayra Diaz Buttacavoli to handle.**

**Item 4.**

No action necessary. (Presentation given).

**Amendment to the report:**

The last paragraph in the Commission Memorandum, Item # 4 was replaced with the following: "After discussions, the Committee gave the Administration the go ahead to proceed in the normal course of Health Facilities Authority consideration of Mt. Sinai Medical Center's proposal for refinancing existing debt.

- C6B Report Of The Neighborhoods Committee Meeting Of February 24, 2003: **1)** Discussion Regarding The City's Enforcement Of The Noise Ordinance; **2)** Status Report On The Espanola Way Association Request For Street Closure Of The 400 And 500 Blocks Of Espanola Way; **3)** Ordinance Amending Enforcement And Penalty Provisions For Parking Lots And Valet Parking Operators; **4)** Discussion Regarding Amending The Ordinance Adopting Procedures For The Review And Approval Of The Use Of Public And Private Property Not So Permitted Under Existing Zoning To Be Used As Emergency Parking Lots For Special Events; And **5)** Discussion On Noise Ordinance During The Winter Music Conference.

**ACTION: Written report submitted.**

**Item 1.**

Deferred to the next Neighborhoods Committee meeting.

**Item 2.**

The Committee unanimously passed a motion to leave the market in place from Drexel Avenue to Washington Avenue and leave Drexel Avenue open with parking available up to 5:00 p.m., and after 5:00 p.m., place the valet drop-off near the south side of Espanola Way in the cul-de-sac and the area of Drexel Avenue north of Espanola Way open for traffic and parking and explore future alternatives on Drexel Avenue from 14<sup>th</sup> Street to Espanola Way. **Kevin Crowder to handle and Saul Frances to notify Parking Department staff.**

**Item 3.**

The Committee unanimously passed a motion and directed the Administration to hold a workshop but prior to the workshop have the valet operators present their recommendations to the Administration and the Parking and Transportation Committee within 30 days (of the Committee meeting date) and present the final recommendations at the April 9, 2003 Commission meeting. **Saul Frances to handle. Lilia Cardillo to place on agenda.**

**Item 4.**

The Committee unanimously passed a motion to approve the item as drafted.

**Item 5.**

The Committee did not make a motion on this item.

- C6C Report Of The General Obligation Bond Oversight Committee Meeting Of March 3, 2003: **1)** Change Order Report; **2)** Project Status Report: a. Lummus Park; b. Indian Creek Greenway; c. Alton Road Corridor Enhancements; And **3)** Informational Items: a. Updated Calendar of Scheduled Community Design Workshops; b. Update on Fire Station # 2; c. Update on Fire Station # 4.

**ACTION: Written report submitted.**

**Item 1.**

The Administration informed the Committee of change orders that had been approved since the last meeting.

**Item 2.**

The Administration informed the Committee that the City would present the Historic Preservation Board (HPB) with the final design of the Lummus Park 14<sup>th</sup> Street restroom at the next HPB meeting on April 8, 2003, for approval.

The Administration informed the Committee that the Indian Creek Greenway project was moving slowly. The City is still in the process of acquiring easements on the appropriate properties. The Administration added that Phase I is being developed with funding from GO Bond and Stormwater funds. Mayor Dermer has volunteered to meet with some of the property owners in order to negotiate an agreement.

The Administration informed the Committee that the Alton Road Corridor Enhancements Project has been divided into two phases with Phase I being from Michigan to 63<sup>rd</sup> Street and Phase II from 41<sup>st</sup> Street to Michigan.

The Administration reported that the Venetian Causeway Master Plan Phase II project is on hold. Miami-Dade County controls the Right-Of-Way, and the City would need approval from the County before any improvements could be constructed. The County and the City of Miami are also planning to improve their sections of the Causeway. At this time, the County has not programmed funding for their portion. The City will work with the County to try to move this project forward.

**Item 3.**

A calendar of scheduled Community Meetings was presented to the Committee.

The Administration informed the Committee that at the February 5, 2003 City Commission meeting, the Mayor and Commission rejected the City Manager's recommendation to terminate the Agreement with Jasco on the Fire Station No.2 project. The Administration was directed to amend the Agreement to include several provisos that include an increase in the retainage to twenty percent (20%) of the value of the contract instead of the customary ten percent (10%) and a monthly progress report by Jasco submitted to the G.O. Bond Committee through the CIP Office. It also includes an updated Project schedule showing March 2003 as the start of construction, an expanded liquidated damages clause set at \$1,500 per day and the previously agreed requirements that Jasco provide the GMP for the Water Tanks independently of the Fire Station No. 2 GMP, that the current GMP does not in any way bind the City to accept a GMP for the Fire Station portion of the Project, and that the Agreements with the sub-contractors be assignable to the City in case the Agreement with Jasco is terminated in the future for any reason.

The Administration informed the Committee that on February 5, 2003, the Mayor and City Commission adopted a Resolution [2003-25119] to approve and authorize an award of additional services in the amount of \$64,791 for the Fire Station No. 4 project. These additional services were approved with a caveat to revisit the possible demolition or the relocation of the historic structure and issue a final directive to the Administration on how to proceed. At the February 26, 2003 Commission meeting, the Commission referred the discussion of possible demolition to the Finance and Citywide Projects Committee. The Administration added that if the directive is to demolish the existing building, the Administration will present the project to the HP Board for consideration on April 8, 2003. Depending on the final Commission decision (projected for April 30, 2003), the overall schedule may be impacted by a delay of between 30 to 120 days. If the recommendation by the HPB is to not approve the demolition of

the existing building and the City Commission accepts the recommendation, a three (3) to four (4) month delay should be anticipated in the Project's overall schedule. The Committee requested that a legal opinion be obtained regarding the appropriateness of using G.O. Bond funds for the relocation, shoring and stabilization of the historic facility.

### **C7 - Resolutions**

- C7A A Resolution Authorizing The City Manager Or His Designee To Execute An Agreement Between The City Of Miami Beach And Miami-Dade County Community Action Agency (CAA) To Participate In CAA's Life Support Initiative Program For Grants To Qualified Municipal Retail Water And Sewer Customers For Assistance In The Payment Of City Of Miami Beach Water And Sewer Bills; Further Appropriating The Funds If Approved And Accepted By The City And Authorizing The Execution Of All Necessary Documents Related To This Application.

(Grants Management)

**ACTION: Resolution No. 2003-25144 adopted.** If awarded and accepted by the City, Patricia Walker to appropriate the funds. Mayra Diaz Buttacavoli to handle. Patricia Walker to appropriate funds if approved and accepted by the City.

- C7B A Resolution Setting A Public Hearing Pursuant To Miami Beach City Code Section 118-262, To Review A Design Review Board Decision Requested By The Lofts At South Beach, Inc., Pertaining To DRB File No. 16907.

(City Clerk's Office)

**ACTION: Resolution No. 2003-25145 adopted.** Public hearing scheduled for April 9, 2003. R. Parcher to notice. Lilia Cardillo to place on the agenda. Jorge Gomez to handle.

#### Handout or Reference Materials

1. Letter dated February 27, 2003, from Mr. Bart Seidler requesting an appeal pursuant to City Code Section 118-262 and a copy of the transcript of the Design Review Board meeting of February 18, 2003.

- C7C A Resolution Adopting The First Amendment To The General, Enterprise, And Internal Service Funds Fiscal Year (FY) 2002/2003 Budgets To Appropriate Prior Year Encumbrances.

(Finance Department)

**ACTION: Resolution No. 2003-25146 adopted.** Patricia Walker to handle.

- C7D A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The Miami-Dade County Department Of Human Services, Office Of Rehabilitative Services, To Utilize Funds Provided Directly By The U.S. Department Of Housing And Urban Development To Provide Outreach And Case Management Services To Homeless Individuals In Miami Beach.

(Neighborhood Services)

**ACTION: Resolution No. 2003-25147 adopted.** Vivian Guzman to handle.

- C7E A Resolution Adopting The Second Budget Amendment To The Police Special Revenue Account For Fiscal Year 2002/03 In The Amount Of \$12,730, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue Account.

(Police Department)

**ACTION: Resolution No. 2003-25148 adopted.** Chief De Lucca and Patricia Walker to handle.

- C7F A Resolution Adopting The Second Amendment To The Police Confiscation Trust Fund Budget For The Fiscal Year 2002/03 In The Amount Of \$175,379 To Be Funded From The Proceeds Of State (\$64,250) And Federal-Justice (\$111,129) Confiscated Funds.

(Police Department)

**ACTION: Resolution No. 2003-25149 adopted.** Chief De Lucca and Patricia Walker to handle.

- C7G A Resolution To Accept The Ranking Of Proposals Received Pursuant To Request For Proposal No. 18-02/03 For Professional Consulting Services For Preparation Of A Five Year (5) Consolidated Plan For Federal Funds; And Recommend And Authorize The Administration To Negotiate With The Top Ranked Firm, Florida Planning Group, Inc., And Should The Administration Not Be Able To Finalize Negotiations, To Then Enter Into Negotiations With The Second Ranked Firm Of JQuad And Associates; And Authorize The Mayor And City Clerk To Execute An Agreement For Professional Consulting Services For A Five (5) Year Consolidated Plan For Federal Funds.

(Neighborhood Services)

**ACTION: Resolution No. 2003-25150 adopted.** Vivian Guzman to handle.

**Addendum item.**

- C7H Resolution Of The Mayor And City Commission Of The City Of Miami Beach, Florida, Accepting The Recommendation Of The City Manager And Appointing A Pool Of Firms Pursuant To Request For Proposals Number 13-02/03 For Providing Bond Underwriting Services To The City Subject Further To The Term And Conditions Set Forth In This Resolution.

(Finance Department)

**ACTION: Resolution No. 2003-25155 adopted.** Patricia Walker to handle.

**Handout or Reference Materials**

1. Copy of the Commission Memorandum for this item.

**End of Consent Agenda**  
**REGULAR AGENDA**

**R5 - Ordinances**

**11:38:11 a.m.**

R5A Revisions To The Parking Lots Or Regulations On Certain Lots (Ocean Drive)  
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations" Of The Code Of The City Of Miami Beach, Florida, By Amending Section 142-1107, "Parking Lots Or Garages On Certain Lots" By Providing That Vacant Lots Fronting Ocean Drive That Existed As Of January 1, 1999 May Be Used For Provisional Or Temporary Parking Lots As Provided For In Sections 130-70 And 130-71 Of The Miami Beach City Code; Providing For Repealer, Codification, Severability And Effective Date. **10:30 A.M. First Reading, Public Hearing.**

(Planning Department)  
(Continued From September 11, 2002)

**ACTION:** Public Hearing held. **Item opened and continued to June 11, 2003 at 10:30 a.m.** Motion made by Commissioner Bower to open and continue the item, for the last time, to the June 11, 2003; seconded by Commissioner Steinberg; Ballot vote: 7-0. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Ronald Molko spoke and requested that this motion be deferred to the June meeting.

Harold Rosen, representing Mr. Molko, spoke.

Mayor Dermer asked if the Administration has a recommendation.

Jorge Gonzalez, City Manager, stated that this item has been before the City Commission on several different occasions. The Administration has been consistent in its recommendation that this ordinance not be changed. The City Commission's last action was to bring the item back in six months.

Mayor Dermer asked Mr. Molko if this is the last extension he will request.

Mr. Molko stated this is it. A contract has been signed.

Commissioner Smith stated that this Commission has been as lenient as it could possibly be. This Commission will lose credibility if it keeps extending the timeframe.

Jorge Gomez, Planning Director, gave an overview of how and why the ordinance is being presented to the City Commission for action.

Commissioner Gross stated that realistically, with the property value on Ocean Drive, it is infeasible for the long term, to maintain a lot as a parking lot.

Harold Rosen, representing Mr. Molko, stated that he has finally accomplished what he has been trying to do by getting a flag hotel and the financing. He is only asking for a three month extension.

Vice-Mayor Garcia stated that since parking is a problem in South Beach he will vote for it, but if by June they don't have the parking lot, he will vote against it.

Commissioner Steinberg stated that he has voted twice against any extension, but this is the first time that he can see a light at the end of the tunnel and he actually believes that this is going to be the last time. For that reason, he will support it understanding that it will be only three months. He stated that if it comes up again another time, he will vote against continuing the public hearing.

Commissioner Smith stated that based on Commissioner Steinberg's statement he will vote to extend the public hearing to June.

1. Notice of Ad in Miami Herald
2. Copy of a press release, Regent International Hotels, Regent International Hotels announces The Regent South Beach (Miami) Scheduled to Open in 2005

**11:52:18 a.m.**

R5B Amendment To RM-PRD Land Development Regulations As It Relates To The Subdivision Of Land Within The District.

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Subdivision III, "RM-PRD Multifamily, Planned Development District," Section 142-185, Clarifying The Average Unit Size For New Construction Is A Minimum Of 1,000 Sq. Ft., Allowing The Subdivision Of Land Within Such District, As Long As The Parent Parcel Remains In Compliance With The Land Development Regulations Of That Section, And Providing That All Development Within The District Is Subject To Design Review Procedures, Providing For Repealer, Severability, Codification And An Effective Date.

**10:45 A.M. Second Reading, Public Hearing.**

(Planning Department)

(Continued From February 26, 2003)

**ACTION:** Public Hearing held. **Ordinance No. 2003-3400 adopted as amended.** Motion made by Commissioner Smith to adopt the ordinance and apply retroactively to cover the existing buildings, and that the DRB look at parcels as a whole for consistency and proper development; seconded by Commissioner Bower; Ballot vote: 7-0. Robert Parcher to transmit to Municipal Code Corporation. Jorge Gomez and Legal Department to prepare amendment language. Jorge Gomez to handle.

Gary Held, First Assistant City Attorney, presented the item.

Cliff Schulman, Esq., Greenberg Traurig, et al., representing Fisher Island Holdings, LTD, spoke.

Jeffrey Bass, Law firm of Shubin & Bass, representing the Villa Del Mar Condominium Association along with a number of individuals in the condominium, spoke.

Motion made by Commissioner Smith to apply the ordinance retroactively to cover existing buildings.

Commissioner Steinberg offered the amendment to require the DRB to look at the parcel as a whole for consistency and proper development, with the legal Department to come up with the correct language.

The amendment was accepted by Commissioner Smith.

City Clerk's note: Ordinance Amendment language as submitted by Gary Held, First Assistant City Attorney:

1. This section shall be retroactive to include all parcels and buildings existing as of March 18, 2003.

2. The design review board, in reviewing projects proposed for this district, shall take into consideration the contextual relationship of existing and approved projects, and the buildout of the remainder of the district.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

**1:13:15 p.m.**

R5C An Ordinance Changing The Date For A City Of Miami Beach Run-Off Election From Tuesday, November 11, 2003 To Tuesday, November 18, 2003; Providing For Repealer, Severability, Codification, And An Effective Date. **11:30 A.M. Second Reading, Public Hearing.**

(City Attorney's Office)  
(First Reading On February 26, 2003)

**ACTION:** Public Hearing held. **Ordinance No. 2003-3401 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Ballot vote: 7-0. Robert Parcher to handle.

City Clerk's note: This is a one-time action; do not codify.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

**1:14:19 p.m.**

R5D Required Votes By The Commission To Appoint Board Members  
An Ordinance Amending Chapter 118 "Administration And Review Procedures," By Amending Division 2, "Planning Board," Section 118-53, "Composition;" Amending Division 3, "Design Review Board," Section 118-72, "Membership;" Amending Division 4, "Historic Preservation Board," Section. 118-104 "Appointment," In Order To Clarify Existing Language And Change The Voting Requirement For City Commission Appointment Of Board Members To A 4/7ths Vote; Providing For Repealer, Severability, Codification And An Effective Date. **11:35 A.M. Second Reading, Public Hearing.**

(Planning Department)  
(First Reading On February 26, 2003)

**ACTION:** Public Hearing held. **Ordinance No. 2003-3402 adopted.** Motion made by Commissioner Steinberg; seconded by Vice-Mayor Garcia; Ballot vote: 7-0. Robert Parcher to transmit to Municipal Code Corporation and to handle.

Refer the issue of the increasing the Zoning Board of Adjustment from 5 to 7 members and change the City Commission appointment of board members from 5/7 to 4/7 to the Charter Review Committee.

City Clerk's note:

- 1) This ZBOA is in the Related Special Acts not the Charter; 2) two ways to handle A) referendum to increase board members and change to 4/7 vote or B) referendum to remove from the Related Special Acts altogether and reference in City Code

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

**5:34:57 p.m.**

R5E Extending The Hours For The Sale Of Beer And Wine  
An Ordinance Amending Chapter 6 "Alcoholic Beverages," By Amending Section 6-3 "Hours Of Sale," By Extending The Hours For The Sale Of Beer And Wine For Consumption Off The Premises From 11:00



P.M. To 12 Midnight; By Amending Section 6-4 "Location And Use Restrictions," To Clarify The Restriction Of Sales Of Alcoholic Beverages In Filling Stations; Providing For Repealer, Severability, Codification And An Effective Date. **2:00 P.M. Second Reading, Public Hearing.**

(Requested By Vice-Mayor Luis R. Garcia, Jr.)

(First Reading On February 26, 2003)

**ACTION:** Public Hearing held. **Ordinance No. 2003-3403 adopted.** The Administration is to work with the business owners and Jeff Donnelly to explore the Cops-N-Shops program to see if shops would participate, get the signage up in the stores, and research the availability of funds. Motion made by Vice-Mayor Garcia; seconded by Commissioner Cruz; Ballot vote: 6-1; Opposed: Commissioner Smith. Robert Parcher to transmit to Municipal Code Corporation. Chief De Lucca and Al Childress to handle.

Jeff Donnelly stated that the City of Miami Beach, the Police Department, and the City Commission have, in his opinion, met their responsibility by helping the youths of the community meet their responsibility regarding the adolescent use of alcohol. He stated that extending the hours increases the risk of adolescent use of alcohol and explained why. He asked that the Commission consider adopting the Cops-N-Shops program. The establishment would have a sign stating that the person selling the alcohol may be an undercover officer.

Chief De Lucca stated that undercover officers are doing random checks and because of the demands on the organization, the Police Department may not be able to commit personnel to this program right now.

Commissioner Gross stated that the Cops-N-Shops website states that the program is funded by the sellers of liquor who contribute money. Can the City acquire some of this funding?

Jeff Donnelly stated that he wasn't sure how much they would be willing to fund and whether the salary of an off-duty police officer would be funded.

Jorge Gonzalez, City Manager, stated that he is requesting Mr. Donnelly and Chief De Lucca to explore this program to see if there is a way it could be accomplished with off-duty police officers.

Commissioner Smith asked Jeff his opinion of extending the hours.

Jeff Donnelly stated that if there were a program like Cops-N-Shops, it would make up for the risk of extending the hours of sale by another hour. Putting in a prevention program into the small outlets that sell alcohol would be a big step forward.

David Safford Colton spoke.

Alan Rosenblum spoke.

Commissioner Bower asked Mr. Rosenblum if they would be willing to participate in the Cops-N-Shops program.

Alan Rosenblum stated "absolutely."

Joseph Villari spoke.

David Kelsey spoke.

Alfredo Gonzalez stated that he welcomes investigating and participating in anything. He stated that participation should be citywide, the clubs; everyone should get involved in the Cop-N-Shops program. He speaks for his family, they do not support drinking and driving and they encourage enforcement monitoring their businesses because they train their employees to make sure they verify the age of the customers buying alcohol.

Mayor Dermer asked if Vice-Mayor Garcia would accept a friendly amendment to have the Administration explore the Cops-N-Shops program to see if shops would participate, get the signage up in the stores, and research the availability of funds.

Vice-Mayor Garcia accepted the amendment.

Commissioner Gross stated that it's not only a problem with the kids, but also a problem with the vagrants and the panhandlers. As the vagrants panhandle they ruin the experience for our visitors. If the businesses are willing to participate in the Cops-N-Shops program, then extend the time for the additional hour; however, don't bring a request back to the City Commission next year to extend to 1:00 a.m. or 2:00 a.m.

Commissioner Bower will work with the Administration, Jeff Donnelly, and the businesses.

Handout or Reference Materials:

1. Notice of Ad in Miami Herald

**6:06:39 p.m.**

R5F Livestock - Striking The Selections From LDR's And Transferring To Chapter 10, "Animals"  
An Ordinance Amending Chapter 142 Of The Miami Beach City Code Entitled "Zoning Districts And Regulations" Article IV Thereof Entitled "Supplementary District Regulations," Division 1 Entitled "Generally," Section 142-876, "Keeping Livestock Prohibited," And Section 142-877, "Maximum Number Of Animals On Premises," By Deleting These Sections And Transferring These Provisions To Chapter 10; And Amending Chapter 10 Entitled "Animals," By Creating Section 10-15 "Keeping Livestock Prohibited," Including A Provision That The Maintaining Of Livestock For Public Events For Temporary Periods Of Time May Be Allowed, As Approved By The City Manager Or His/Her Designee; And Creating Section 10-16 "Maximum Number Of Animals On Premises"; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading.**  
(Planning Department)

**ACTION: Ordinance approved on First Reading.** Motion made by Vice-Mayor Garcia; seconded by Commissioner Cruz; Ballot vote: 7 0; Second Reading and Public Hearing scheduled for April 9, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

**7:09:01 p.m.**

R5G An Ordinance Repealing Sections 2-190.56 Through 2-190.59, Of Division 22 Entitled "Nuisance Abatement Board," Of Article III Entitled "Agencies, Boards And Committees," Of Miami Beach City Code Chapter 2 Entitled "Administration"; Repealing Section 70-181 Entitled "Definitions," Of Miami Beach City Code Chapter 70 Entitled "Miscellaneous Offenses"; And Repealing Sections 70-231 Through 70-235 Of Division 3 Entitled "Abatement Procedures," Of Article IV, Entitled "Criminal Nuisances," Of Miami Beach City Code Chapter 70 Entitled "Miscellaneous Offenses"; Providing For Severability, Codification, And An Effective Date. **First Reading.**

(City Attorney's Office)

**ACTION: Ordinance approved on First Reading.** Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot Vote: 6-0; Absent Vice-Mayor Garcia. Second Reading and Public Hearing scheduled for April 09, 2003. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

### **R6 – Commission Committee Reports**

R6A Report Of The Finance And Citywide Projects Committee Meeting Of March 12, 2003: **1)** Fire Station No. 4.

**ACTION: See action listed under Agenda Item "C."**

Item 1) The Committee referred the item to the full Commission for action. Tim Hemstreet to handle.

City Clerk's Note: See Agenda Item "C," LTC 62-2003 and Report "A" from the February 26, 2003 Commission Meeting are included with this item.

R6B Verbal Report Of The Land Use And Development Committee Meeting Of March 17, 2003: **1)** Discussion Regarding Ordinance Amending Chapter 6 Of The Code Of The City Of Miami Beach To Allow Establishments To Extend The Hours Of Sale Of Alcoholic Beverages And Hours Of Operation During Designated Holidays And Special Events; **2)** Discussion Regarding South Pointe Quality Of Life Issues; **3)** Discussion Regarding The Proposed Establishment, Taverna Opa Restaurant, Located At 36-40 Ocean Drive; **4)** Discussion Regarding Guidelines For The Multi-Family Housing Rehabilitation Program; **5)** Discussion Regarding A Small Section In Miami Beach That Seems To Be Out Of Scale With The Rest Of The City; **6)** Discussion Regarding The Possibility Of Making 4th Street, From Alton Road To Michigan Avenue, A One Way Road During School Hours; And **7)** Proposed Ordinance Regarding Single Family Designation And Development.

**ACTION: Item not reached. Lilia Cardillo to place on Consent Agenda.**

**R7 - Resolutions****1:16:50 p.m.**

- R7A A Resolution Approving The Selection Of The Artist, Andrew Reid, For The Victory Garden Project, As Recommended By The Art In Public Places Committee, And More Particularly Described In Exhibit A; And Authorizing The Mayor And City Clerk To Execute A Contract With The Artist; And Ratifying The Appropriation Of Funds, Not To Exceed \$33,800, From The South Pointe Redevelopment Tax Increment Funds. **Joint City Commission And Redevelopment Agency**  
(Capital Improvement Projects)

**ACTION: Heard in conjunction with RDA Item 3A. Resolution No. 2002-25151 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Garcia; Voice vote: 7-0. Tim Hemstreet to handle.

**6:06:30 p.m.**

- R7B A Resolution Approving, By 5/7ths Vote, A Waiver Of Competitive Bidding Pursuant Chapter 2, Article VI, Division 3, Section 2-367(E) Of The City Of Miami Beach Code, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager To Take All Appropriate Actions For The Purchase, Supply, Delivery, And Installation Of An Estimated Quantity Of 15 (45 Ft. G.W.) Florida Royal Palms For The La Gorce Island Landscaping Project; Said Procurement In An Amount Not To Exceed \$78,275, To Be Funded From The \$92 Million General Obligation Bond-Series 2000, Fund No. 373, Which Was Originally Appropriated For La Gorce Island On May 16, 2001 Through The Adoption Of Resolution 2001-24372 By The City Commission.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2003-25152 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. Tim Hemstreet to handle.

**6:08:46 p.m.**

- R7C A Resolution Expressing Opposition To Senate Bill 1164 And House Bill 113 Which Set Forth Amendments To The Bert J. Harris, Jr. Act And Any And All Other Proposed Amendments That Would Subject Local And State Governments To Further Liability For The Constitutional Exercise Of Their Legislative And Quasi-Judicial Responsibilities And Powers; Transmitting The Resolution To The President Of The Senate, Speaker Of The House And Governor; Setting An Effective Date.  
(City Attorney's Office)

**ACTION: Resolution No. 2003-25153 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. Legal Department to transmit the resolution.

3:41:42 p.m.

**Supplemental Material-Additional Information:**

R7D A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Proposals (RFP) No. 67-01/02, For The Management And Operation Of Street Markets On Lincoln Road, Espanola Way And Normandy Village; Authorizing The Administration To Enter Into Negotiations With The Market Company For Operation And Management Of Weekend Street Markets On Lincoln Road, Espanola Way And Normandy Village; Should The Administration Not Be Able To Negotiate An Agreement With The Market Company, Authorizing The Administration To Negotiate With The Second-Ranked Firm, Encore Events, For Weekend Street Markets On Lincoln Road And Espanola Way Only. The Administration Would Further Recommend That The Mayor And City Commission Approve And Authorize The Administration To Enter Into Negotiation With Encore Events For A Pilot Program, Not To Exceed 12 Weeks, For A Saturday Or Weekday Market On Lincoln Road.

(Economic Development)

**ACTION: Resolution No. 2003-25154 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 7-0. Kevin Crowder to handle.

Jorge Gonzalez, City Manager, stated that the recommendation is a result of an extensive RFP process. Both the Community Affairs Committee and the Neighborhoods Committee have been following the process. The Administration endorses the recommendation of the evaluation committee and is also recommending, based on the comments of the evaluation committee regarding Lincoln Road, to explore not only awarding to the number one bidder, but also to enter into discussions with the number two firm, Encore, to try to find an alternative date for them to conduct a market.

Christina Cuervo, Assistant City Manager, stated that a community process was followed and gave an overview of the process.

Commissioner Bower commended the Administration for following the process. She stated that both the community and herself feel comfortable with this process.

Christina Cuervo, Assistant City Manager, stated that during contract negotiations the following will be added: 1) non-compete provision to ensure that vendors do not have products which compete with the existing merchants; 2) conflict resolution process; and 3) coordination with the neighborhood organizations.

Commissioner Bower asked how the 15% accountability will be addressed. The issue of accountability needs to be discussed.

Christina Cuervo, Assistant City Manager, stated that the issue of accountability will be discussed during the negotiations and will be addressed in the contract that will require Commission review and approval. She also addressed Commissioner Steinberg's question relating to the flower vendors petition. The flower vendor petitions have been reviewed and it has been determined that none of the petition signers are physically located where the markets are located. There is one vendor in Normandy Isle whose business is on one of the side streets which needs to be addressed. There are also two vendors on Alton Road which will also be addressed.

Commissioner Steinberg asked if a local preference could be incorporated in the contract.

Jorge Gonzalez, City Manager, stated that this could be added to the negotiations. He also stated that the direction by the City Commission thus far regarding the competition is that it has been limited to the street itself. Regarding the sale of flowers, the petitions received were from vendors not on the street but the entire City.

Armando Rafael spoke.

Marcos Alcayaga spoke.

Scott Needleman spoke.

Annette Carpenkoff spoke.

Linda Polansky spoke.

**6:09:37 p.m.**

R7E A Resolution Authorizing The City Manager, Pursuant To The Beachfront Management Agreement By And Between The City Of Miami Beach And The State Of Florida, And In Accordance With Florida Statutes, To Provide Input For The City's Submittal Of An Update To The City's Beachfront Management Plan To The State Of Florida; Also, Specifically Appointing A Member Of The City Commission To Serve On The Advisory Group, If Necessary, And If Required, Pursuant To Section 259.032(B) Of The Florida Statutes.

(Economic Development)

**ACTION: Item deferred. Motion made by Commissioner Steinberg to defer the item; seconded by Commissioner Bower; Voice vote 7-0.** Lilia Cardillo to place on the agenda. Joe Damien to handle.

Joe Damien, Asset Manager, stated that the City has a Management Agreement with the State of Florida that permits the City to have beach concession activities and to manage the beaches. This Agreement has been in place since early 1980's. He explained that pursuant to that Agreement, the City is required to submit a Management Plan every five years. Due to changes in the Florida Statutes, as part of the submittal this year the City is required to have an advisory committee if the land received from the State exceeds 160 acres. This local advisory committee will give input to the Plan prior to submittal to the State of Florida. He requested permission from the City Commission to 1) provide the State the necessary input for the Management Plan, and 2) to have a local elected official appointed to the advisory council.

Mayor Dermer recommended that as to the two persons from the business community, the City include one member from the hotel industry and somebody from the condominiums.

Vice-Mayor Garcia and Commissioner Bower asked what is the purpose and composition of the committee.

Joe Damien, Asset Manager, explained that the City needs to have a representative of the lead land management agency which is the City of Miami Beach. This will be a designee of the City Manager. He further explained that the purpose of the committee is required under Florida Statute to provide input on the Management Plan prior to submittal to the State.

Commissioner Smith asked what is the scope of the Management Plan.

Joe Damien, Asset Manager, explained that the Management Plan is a required document under the Management Agreement that outlines exactly how the City is going to manage the beachfront for the next five years. He continued explaining that the Management Plan includes how the City will handle vegetation, clean up, maintenance, and how the activities on the beach will be controlled. He clarified that there are no changes recommended to the Beach Rules and Regulations. The Rules and Regulations are a component of the Plan. The rest of the Plan is going to stay very similar to what it is today.

Commissioner Cruz asked if the Plan comes before the Commission to vote on before submission.

Jorge Gonzalez, City Manager, stated that the Commission has previously reviewed the Beachfront

Rules and Regulations and the Management Plan and has given direction. The Administration is now ready to submit it. As part of the submittal the State wants the advisory committee to be approved.

Mayor Dermer requested that this item be placed on the next City Commission Agenda and have nominees for the different categories and to make sure that the individuals will accept prior to the nominations.

Motion made by Commissioner Steinberg to defer the item; seconded by Commissioner Bower; Voice vote: 7-0.

Mayor Dermer requested a list of names from the Administration and from the Commissioners.

**5:03:05 p.m.**

R7F A Resolution Approving In Concept A Grant From The City To The Wolfsonian-FIU In An Amount Not To Exceed \$176,000 For The Development Of A Museum Shop/Café On Washington Avenue; And Appropriating \$176,000 From Convention Development Tax Funds; And Delegating Authority To The City Manager To Enter Into An Interlocal Agreement With The Wolfsonian-FIU, Provided The Terms Of Such Are Satisfactory To The City Manager And City Attorney's Office.  
(Finance Department)

**ACTION: Resolution No. 2003-25156 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. Patricia Walker to appropriate the funds and to handle.

Pursuant to a written document provided by Jorge Gonzalez, City Manager, the Wolfsonian-FIU Interlocal will provide the following public benefits:

- 1) Will provide the City non-exclusive use of the parking lot of the Miami Beach Women's Club (the "Women's Club") for the next five (5) years to help alleviate parking congestion in the South Beach area.  
(The cost of the meters would be advanced by the Parking Department and would be reimbursed from the proceeds of the metered parking along with the related costs of operations. The Wolfsonian has requested to share in the proceeds after all the City's costs have been reimbursed).
- 2) Will provide admission to the Museum at no charge to City residents, and;
- 3) Will relocate the Bridge Tender's House to Lincoln Road to be used as a location for tickets and marketing of cultural event programs.

Conditions to be included from Finance Committee:

The Committee recommended that the City enter into an Interlocal Agreement with the Wolfsonian-FIU in which they would be awarded a grant for their renovation project encompassing the following criteria:

- 1) Requiring that the scope of said project not be reduced;
- 2) Requiring an effort by the Wolfsonian-FIU to pursue other sources of funding, including Community Development Block Grants (CDBG), Economic Development Initiative Grants (EDI), and similar types of available funding;
- 3) Requiring the Wolfsonian-FIU to return advanced funds back to the City of Miami Beach if the Museum is successful in obtaining additional funding for the project, including CDBG and EDI dollars;
- 4) Requiring the Wolfsonian-FIU to return any unused advanced funds if said project is completed under budget.
- 5) Instructing Administration to include provisions for public benefit issues to include the City's exclusive use of the parking lot located at the Miami Beach Women's Club for the next five (5) years and free admission to the Museum for Miami Beach Residents. (INCLUDED ABOVE)

Handout or reference materials

1. Document outlining the public benefits and the conditions to be included in the Agreement from the Finance

and Citywide Projects Committee submitted by Jorge Gonzalez, City Manager.

**7:07:58 p.m.**

**Supplemental Material-Resolution:**

R7G A Resolution Awarding Job Order Contracts To The Following Contractors Pursuant To Invitation For Bids ("Bid") No. 72-02/03 For Public Works Projects; Bid No. 73-02/03 For Citywide Construction Projects; And Bid No. 75-02/03 For Capital Improvements Projects: 1) Ha Contracting; 2) F & L Construction; 3) Carivon Construction; 4) Tran Construction; 5) Grace & Naeem Uddin, Inc.; And 6) Tropex Construction, At An Estimated Annual Range From \$50,000 To \$1,000,000 Per Contract Based On Performance, Whereby Funds Have Been Appropriated By The City Commission; And Further Authorizing The Mayor And City Clerk To Execute All Contractual Agreements Thereto.  
(Procurement)

**ACTION: Resolution No. 2003-25157 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 6-0; Absent Vice-Mayor Garcia. Gus Lopez to handle.

Jorge Gonzalez, City Manager, commended Gus Lopez, Procurement Director, and staff for their hard work. This is a project which has been in the works for about two years.

Mayor Dermer also commended Gus Lopez and staff for their hard work on this item.



1:00:02 p.m.

**Supplemental Material-Contract:**

R7H A Resolution Accepting The Guaranteed Maximum Price (GMP), In The Amount Of \$4,840,933, Submitted Pursuant To The Agreement For Pre-Construction Services Between The City And Jasco Construction Company, Inc., Dated April 18, 2001, For Construction Management At Risk Services, Pursuant To RFQ No. 117-99/00, Said GMP Accepted Only For That Portion Of The Agreement Pertaining To The Construction Of Two Three Million Gallon Water Storage Tanks, A Water Pump Station, A Temporary Parking Lot Near The Public Works Yard And A Partial Site Drainage System; And Further Approving And Authorizing The Mayor And City Clerk To Execute A Construction Management Agreement With Jasco For The Construction Phase Of The Afore Mentioned Work; Said Agreement To Be In Substantial Form As Attached Hereto; Authorizing The City Manager, Through The Capital Improvement Projects Office, To Continue To Negotiate Any Non-Substantive Issues And/Or Changes To The Agreement As Deemed Necessary By The City; Further Ratifying The Pre-Construction Services Agreement, As Pertaining To The Expansion And Renovation Of Fire Station No. 2, For Which No GMP Has Yet To Be Considered Or Accepted, Pursuant To The Terms And Conditions Set Forth Therein.  
(Capital Improvement Projects)

**ACTION: Resolution No. 2003-25158 adopted with the agreement amended.** Motion made by Vice-Mayor Garcia; seconded by Commissioner Bower; Voice vote: 5-2; Opposed: Commissioners Gross and Smith. Tim Hemstreet to handle.

Commissioner Smith stated that in Article 19 - Subcontractor Requirements - states that: "...the contractor may require subcontractors to ...." He asked if the "may" should be "shall".

Commissioner Steinberg stated to change it to "the City may require" rather than the contractor.

Commissioner Gross read several typographical errors into the record on page 3 of the contract. He further stated that he would work with Raul Aguila, First Assistant City Attorney, to work out the new language.

**Addendum item**

5:04:09 p.m.

**ACTION:** Motion made by Commissioner Steinberg to add item R7I as an emergency item to the agenda; seconded by Commissioner Smith; Voice vote: 7-0.

R7I A Resolution Approving A Settlement Between The City Of Miami Beach And First Ocean Residence Realty, LLC And Authorizing The Execution Of Any And All Necessary Settlement Documents.  
(City Attorney's Office)

**ACTION: Resolution No. 2003-25159 adopted.** Motion made by Commissioner Gross; seconded by Commissioner Smith; Voice vote: 7-0. Legal Department to handle.

Harold Rosen spoke on behalf of the Charles Hotel.

Paul White, Court Appointed Receiver for the Charles Hotel spoke.

Murray Dubbin, City Attorney, stated that the City has a lien on this property; actually, it has several liens of over \$1.6 Million dollars. The Administration has mitigated the lien to \$575,000. He explained that Harold Rosen represents some of the major property owners in the building and he wants to talk with the Commission about reducing the mitigated amount.

Jorge Gonzalez, City Manager, stated that 1) The lien amount has been reduced by almost \$1 million dollars; 2) Pursuant to the ordinance, the City Commission has authorized the Administration to mitigate liens and if the settlement exceeds \$100,000, it needs to come to the City Commission for information and approval, but not for negotiations.

Harold Rosen spoke regarding the settlement.

Scott Orth spoke.

Robert Dixon, Assistant City Attorney, stated that if a settlement has not been reached before they go to closing, then they face an \$875,000 lien. It is to that risk that the Receiver's attorneys and the Receiver did not want to risk the chance of having an \$875,000 lien imposed against them.

**Motion made by Commissioner Gross to approve the resolution; seconded by Commissioner Smith to approve the item.**

### **R9 - New Business and Commission Requests**

R9A Board and Committee Appointments.  
(City Clerk's Office)

#### **ACTION:**

#### Direct appointments made:

##### **Beach Preservation Board:**

Mark Hildebrandt	Term expires	12/31/03	Appointed by Commissioner Garcia
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##### **Convention Center Advisory Board:**

Eva Barreto	Term expires	12/31/03	Rep. Chamber of Commerce
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##### **Golf Advisory Board:**

Rolando Rodriguez	Term expires	12/31/04	Appointed by Commissioner Garcia
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##### **Miami Beach Commission on Status of Women:**

Karla Marquez	Term expires	12/31/04	Appointed by Commissioner Garcia
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##### **Parks and Recreational Facilities Board:**

Gary Heffner	Term expires	12/31/04	Appointed by Mayor Dermer
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##### **Production Industry Council:**

Tammy Green	Term expires	12/31/04	Appointed by Commissioner Garcia
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##### **Transportation and Parking Committee:**

Erika Brigham	Term expires	12/31/03	Representative from the MDPL.
Gabriela Doria-Simpson	Term expires	12/31/03	Representative from the MBCC

R9A1 Health Advisory Committee Appointments.  
(City Manager's Office)

**ACTION: Item not reached.** Lilia Cardillo to place on Commission Agenda.

7:16:46 p.m.

R9A2 General Obligation Bond Oversight Committee.  
(City Clerk's Office)

#### **ACTION: City Commission Appointments made:**

Motion made by Commissioner Gross to appoint Jeryl (Deede) Weithorn (Budget Advisory Committee),

Jean Francois LeJeune (Planning Board), Leonard Wein Jr. (Chamber of Commerce), Martin Hyman (Transportation and Parking Committee), and Mitch Novick (Historic Preservation Board) to the Oversight Committee for General Obligation Bond; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Vice-Mayor Garcia.

**3:04:20 p.m.**

R9B(1)

Dr. Stanley Sutnick Citizen's Forum.

**ACTION:**

**Milton Montalvo** stated that from now on he will be serious and he will present ideas as to how the City should run. He stated that he was kicked off of the Beautification Committee for blowing the whistle. He said there was a peace demonstration on Saturday and only two people showed up. He called the Mayor a demagogue and an isolationist. Samuel Clement said: "if you say the right thing you do not have to worry about people liking you." Aristotle said the same thing. He stated that he is law abiding even though he is not a cop lover. He spoke about the signs, the ones everyone ate up and loved. He stated that those signs have been around the City for ten years. He stated he stands behind the racism ad. Regarding the war in Iraq, he also said that everybody is really afraid to say what they feel to protect their jobs and labels. He is afraid of what is coming with the world. He is a pacifist like Jimmy Carter. He demanded the resignation of the Mayor because he is not running the City correctly.

**Ada Llerandi** spoke on the Bay Link mass transportation project. She congratulated the City Manager on the wonderful job he has done and in presenting all the options professionally. She hopes that this Commission makes the right decision the same as the City of New York did 100 years ago. She stated that the City is extremely lucky to have Mr. Gonzalez for City Manager.

**Bea Kalstein** spoke to Saul Gross that if we have to go out and sell light rail or any other form of Bay Link then the public does not want it.

**Joe Fontana** spoke about the fact that the public was not aware of the item on Bay Link on the agenda today. He stated that by studying the issue the wrong impression is given to Miami-Dade County that the City wants it, but the public is fighting against it. He requested that the Commission reconsider because there is no need for any more studies. The people of Miami Beach do not want the Bay Link project. To prove it, he suggested putting it on the ballot for a vote.

**Howard Kaufman** spoke on the deed restriction on Par 3 Golf Course. He read the deed into the record.

Handout or reference Material.

1. Warranty Deed Par-3 Golf Course

**David Kelsey** spoke on the issue of the library and stated that most of the people who attended the meeting liked where it is located. He stated in meetings with the Library Administration that that library was outdated and too small. He does hope that the City follows through on this. Regarding the Bay Link, a Citizens Advisory Committee was formed a year and a half ago and have had hundreds of hours of meetings. He suggested to the Commission to let this committee make a presentation on all the discussions they have had on the Bay Link issue. This committee has covered what method and what route. The Committee was not authorized to decide how to do it. The committee looked at buses, bus rapid transit, and monorail. Bay Link is a major decision that will have a significant impact for the City in the future. He has been using the bus system recently and the current bus system is not a pleasant thing to use.

**Elizabeth Donnelly** spoke on the fact that she believes money was recklessly spent in going to California regarding the Bay Link project. She wrote to the U.S. Department of Transportation and she read the letter she received from them. It states that local officials are responsible for establishing and implementing transportation. She was told to address her concerns to Mr. Wilson Fernandez, Project Manager. She addressed her 1988 letter to the U.S. Department of Transportation. She asked the City Manager or the City Attorney how we can become a County and not have to deal with Miami-Dade County. She stated that this is the answer and has spoken to a lawyer about forming a new county.

Handout or Reference Materials:

1. Copy of a letter from Donna L. Albritton, Transportation Program Specialist, U. S. Department of Transportation, Federal Transit Administration, undated, to Ms. Mary E. Donnelly

**Stuart Reed** spoke on behalf of the Marine Board on the issue that the City pursue whatever action is necessary to restore some natural coral reef a mile off the beach (200 through the 300 block) which were destroyed a year to a year and a half ago. He stated that he sent a public records request to the City of Miami Beach, to Miami-Dade County, State of Florida, DEP, and the Army Corps of Engineers. The City's respond was that Miami Beach is not involved in any beach-refurbishing project near the reefs. There are very strong laws protecting coral reefs. No agency is taking action. The Marine Board voted unanimously that the City Manager and the City take whatever action(s) are necessary to get the agencies to restore the coral reefs. He asked that the Mayor, Commission or several Commissioners work with him to draft a resolution that will require this City to pursue the mitigation of the reefs.

Commissioner Steinberg stated that he will be happy to sponsor it.

Commissioner Bower added that she also would be happy to work on this issue and stated that there may be grants available. She also stated that this City does not pay enough attention to the waterways, the reefs, and canals.

Handout or Reference Materials:

1. Color Photographs of ocean reefs

**Minnette Benson** stated that it is very healthy to have the discussion on Bay Link. She added that this Commission has been told that there is something odd about the way the Bay Link project is being pushed by the consultants Parsons Brinckerhoff. She read a statement into the record. She stated that the City Manager; the best this City has had in the last 30 to 40 years, forgot that his job is not to make public policy. She stated that in her opinion the City Manager has pushed this project and his staff has done the same. She stated that the City Manager is a very good professional; the City Commission needs to claim their rights and assert them. She is recommending a consultant from Boca Raton, Robert K. Swarthout. She added that one year ago she came before the Commission and stated that she had purchased the 77-page construction drawings for the 63rd Street intersection and was told by an Administrator that they were completed drawings; 70% finished. When she spoke in April, she was told the drawings were 50 % complete. That was a year ago. In June she was told by the Administration that it needed the summer to arrange an FDOT workshop. It is now almost April of 2003. She indicated that it is insane to continue to look at site specific analysis because it needs to be done as a whole.

Handout or Reference Materials:

1. Name and address of Mr. Robert Swarthout, Inc., 2200 N. Federal Highway, Boca Raton, FL 33431

## Handout or reference Materials:

## 1. Speakers List

7:04:08 p.m.

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

**ACTION:**

**Benita Argos** spoke on the Fire Station #4 and on the discussion item on Bay Link. She stated that the Bay Link item was not advertised. She also stated that the constituents do not want Bay Link, and the Commissioners are there to do what the constituents want.

R9C Discussion Regarding The 75<sup>th</sup> Street/Dickens Avenue Water Tanks Facility.  
(Requested By Commissioner Jose Smith)

**ACTION:** Item withdrawn by Commissioner Smith.

4:07:23 p.m.

**Supplemental Material-Additional Information:**

R9D Report On Memorial Day Weekend 2003 (Thursday, May 22, 2002 - Monday, May 26, 2003).  
(City Manager's Office)

**ACTION: Discussion held.**

Jorge Gonzalez, City Manager, gave a historical overview of some of the previous Memorial Day Weekends. He stated that he and the Mayor visited Miami-Dade County last year during their budget process and again last month to secure their mutual aid and assistance. The County has agreed to fund a number of services including the Goodwill Ambassadors, Police and Code Enforcement in an amount in excess of \$300,000. That will augment the investment the City of Miami Beach is making to make sure all the activities are safe and welcoming. This year there is a promoter developing an event through Umoja, LLC., which is proposing an event that will take place on the beach. It is not the intent to close Ocean Drive unless there is a public safety issue. The proposal is currently being evaluated. The Ocean Drive Association has reviewed the proposal. A number of residents have sent a petition expressing their concern relative to the approval of the permit. The permit has not been approved yet. He stated that the Administration wanted to bring this issue to the Commission so they could hear the concerns of the residents and for the Commission to express any concerns they may have and any direction the Commission may wish to provide. As a point of information, whether the Commission gives the Administration the authorization to issue the permit or not, the City fully expects to have the numbers of visitors as it has had in the past. The Administration is planning accordingly to provide for public safety and the public's well being while visiting our City. What is being proposed is an event that would provide the visitors with activities.

Mayor Dermer asked if in the future this could be done through committee.

Jorge Gonzalez, City Manager, stated that it is difficult to do this through committee. This has been worked through the guidelines and taken to the proper locations. He asked that if the Commission has strong sentiment one way or the other, he would like to hear it. He stated that the Administration does not have a recommendation yet and is seeking guidance. The Administration has met with the promoter and is listening to the concerns of the residents in the immediate area. Staff has looked at alternative sites, such as 21st Street, where there are some concerns, and shifting the venue further south in the park and away from some of the residents in the north end of the park. The Administration is working with the promoter to get some assurance on what the named talent will be. There are still some outstanding issues that need to be dealt with. He wants the input of the Commission.

Mayor Dermer stated that he hopes that sometime in the future objective criteria can be developed to deal with these issues.

Luther Campbell spoke about the weekend events.

Kevin Brown stated that he has produced events for over 40 years in Cincinnati, Detroit, and recently in Houston. The types of acts they have used at their events, and you can contact the Mayors of Detroit, Houston, and Cincinnati, will state that the productions have been a very nice mix of rhythms and blues. He respects the concerns of the residents and plans to do his best. They have some very nice acts such as Chaka Khan and the Isley Brothers, also some of the newer acts such as Indian Arie, Ashanty, and Cisco. He concluded by saying that the City will have a pleasant show and the City will be happy with their representation and professionalism.

Commissioner Smith asked the City Manager exactly where he is looking for direction. Is it the location, the time, the talent, etc.?

Jorge Gonzalez, City Manager, stated that it is any and all of the above. He requested the City Commission to let him know their concerns with location, talent, place, time, etc. He would like to hear any concerns as the Administration formulates the final special events approval. There are concerns from the residents and as the Commission hears these concerns, they may want the Administration to be mindful of them. He wants to be clear that the representations being made, as it relates to the talent, any special events approval will be based on those representations. The City intends that if an event like this were to occur it is based on the representation being made as to talent. The City is not interested in approving an event and then later on discovering that the type of talent could pose a public safety concern. He also stated that the preferred location site has been discussed is the northern part of Lummus Park near 14th Street, between 11 and 14 Street. Just today he asked if the event could be shifted southward to provide more of a buffer between event and the nearby residents. The Administration has also looked at an entirely new site around 21 Street. Public Safety, Police and Fire, are concerned about taxing resources by creating two separate sites.

Eugene Woodard spoke on the site location and the permit process generally.

Christina Cuervo, Assistant City Manager, clarified that the festival will take place west of the dune, from 11 Street to 14 Street. The Administration is trying to site the concert between 10 Street and 12 Street. The concert will run between 7:00 p.m. until 11:00 p.m. At 11:00 p.m. everything is shut off.

Eugene Woodard spoke regarding the guidelines and offered the following: 1) simplify the guideline language so that both staff and applicants understand the constraints under which they must operate; 2) ensure there is uniformity applicable to all permits so that Code Compliance is clear regarding their work and obligations; 3) increase Code Compliance staffing levels, and 4) clarify guidelines which Code Compliance is to operate, to effectively carry out the will of the City on behalf of its residents. He stated that the Administration and the guideline goals should be to explore all options and minimize the impact on the residents.

Vice-Mayor Garcia stated that if the event doesn't take place it will create more problems. People will not have anything else to do. This is a way to provide the younger generation with organized fun. We need to work together.

Commissioner Smith stated that the Commission is dealing with a very vibrant, lively nightlife area. This is Ocean Drive. He asked the Administration if the noise ordinance will be enforced.

Jorge Gonzalez, City Manager, explained that every permit issued never implies any waiving of any noise ordinance or any other laws. This is an outdoor concert.

Christina Cuervo, Assistant City Manager, stated that the special events permit is giving the authority to

provide for a concert that is going to exceed what the normal noise ordinance would permit, but at 11:00 p.m. the concert is shutdown and the noise ordinance applies.

Commissioner Smith stated that if the concert is moved further south to alleviate some of the concerns that the residents have expressed, and the hours are limited to 11:00 p.m., then he has no problem with it.

Frank Jerrintero, President of the Board of Directors at 1500 Ocean Drive Condominium spoke. He recommended moving the stage two blocks south and face the stage south and there will be no problems.

Skip Taylor spoke.

Vice-Mayor Garcia stated that perhaps the Administration should form a committee with representation from the Association being formed in the South Beach area to be a part of the event planning process.

Jorge Gonzalez, City Manager, stated that this organization is in the process of being formed. The Administration tried to reach out and communicate as much as possible to keep everyone informed.

Ina spoke.

Randy Hoffer spoke.

Marcie Brisco from Atlanta, spoke.

Handout or Reference Materials:

1. Several printed articles submitted by Marcia Briscoe, "Hip-hop Planners shelve April fest", and "New plan would divert traffic for major events"

**Addendum item.****10:17:39 a.m.**

**ACTION:** Motion made by Commissioner Steinberg to add item R9E as an emergency item to the agenda; seconded by Commissioner Cruz; Voice vote: 7-0.

**10:23:23 a.m.**

R9E Discussion And Referral Regarding The MPO's 120-Day Extension For The Bay Link.  
(Requested By Commissioner Richard L. Steinberg)

**ACTION: Discussion held.**

Motion made by Commissioner Gross to hire a consultant through an RFQ process to:

Phase 1. Study the alternatives of Light Rail Transit (LRT) and Bus Rapid Transit (BRT) or other variances, that the preliminary determination as to the mode of transit be brought to the City Commission within 120 days. The consultant needs to compare and contrast LRT vs. BRT.

Phase 2. Study the particular routes whether North Beach, Mid Beach and South Beach; and

Schedule a Special Commission meeting within 120 days to discuss the findings of the report, have a presentation, and make a determination.

Seconded by Commissioner Steinberg; Voice vote 7-0. Robert Middaugh to handle.

**Motion 1:**

**Motion made by Commissioner Steinberg to refer to the Neighborhoods Committee to discuss what action, if any, the City needs to take during the 120 days window provided by the MPO. No second offered.**

Mayor Dermer stated that this issue is of great public importance and he does not want to put it into a committee process when it has already been to City Commission.

Discussion continued.

Mayor Dermer stated that he recently gave the City Manager a memorandum requesting that the Administration prepare information and a presentation on trackless trolleys, buses, routing, and how Miami Beach routes will interface with the transit system Miami selects. He stated that this will give the Commission a full view of the options, aesthetics, the effects on infrastructure, routes and everything else. **Robert Middaugh to handle.**

Discussion continued.

Commissioners Gross and Bower raised the issue of the City engaging the services of a consultant.

Jorge Gonzalez, City Manager, stated that to do the study would require a competitive bid process to acquire the services of a consultant. The RFP process typically takes 60-90 days and depending on how future Commission Meeting dates workout, unless the Commission wants to waive competitive bidding. He also stated that the County has approved its own consultant study that Miami-Dade County Commissioner Barreiro has been requesting to study an elevated rail transportation system. It will be 60-90 days before the County consultant's report is available.



Commissioner Smith stated that the Federal funds will be gone very quickly. There is a great deal of competition between the communities for the remaining funds. In his opinion, he doesn't think the MPO will give the City of Miami Beach a time extension beyond the 120 days.

**Motion #2:**

**Motion made by Commissioner Bower to authorize the Administration to develop the scope for an RFQ to engage the services of a consultant to study what is the best transit system for Miami Beach. No second offered. Discussion continued.**

Commissioner Gross asked what can reasonably be expected to be studied in the 120 day timeframe. The threshold question is what mode of transit is this Commission interested in exploring and where should the routes be located?

Jorge Gonzalez, City Manager, stated that he wants guidance as to what specifically the Commission wants to accomplish with the RFQ and what the consultant will study.

Discussion continued.

**Motion #3:**

Motion made by Commissioner Gross to hire a consultant through an RFQ process to study in phases:

Phase 1. The alternatives by comparing and contrasting, Light Rail Transit (LRT) and Bus Rapid Transit (BRT) or other variances. That the preliminary determination as to the mode of transit be brought to the City Commission, and to do this within 120 days.

Phase 2. Study the particular routes in North Beach, Mid Beach and South Beach. At the end of the 120 days the City can go to the MPO and request additional time to study the particular route(s); but the MPO will know where the City is in the process. He stated that the decision to grant additional time will be determined by the mode of transportation the City chooses and how the study is conducted.

Discussion continued.

Jorge Gonzalez, City Manager, stated that the consultant should inform the City of the differences and impact of mass transit versus rapid transit on Miami Beach. The phase 1 study should focus on a route to Dade Boulevard. Phase 2 can study the remainder of the City. He suggested taking what is in the current draft Environmental Impact Statement prepared by Parsons Brinckerhoff, Inc. which was prepared for the MPO and included BRT, and apply it to Miami Beach.

**Amendment to Motion #3:**

Commissioner Steinberg seconded the motion and added a friendly amendment that a Special Commission be scheduled within 120 days to discuss the findings of the report, have a presentation, and make a determination.

Commissioner Steinberg's amendment was accepted by Commissioner Gross.

Jorge Gonzalez, City Manager, stated that the Administration will work to get the RFQ out as expeditiously as possible. He stated that he does not believe a waiver of competitive bid is appropriate. The Administration will prepare the RFQ and come back to the Commission for approval of a consultant in May. The scope of the RFQ will be developed based on what was said today, and he will transmit the scope to the Commission via an LTC for their review and comments.

Jorge Gonzalez, City Manager, stated that the LTC will be placed on the City's website. He explained that it will take him 60 days to get a consultant and that leaves 60 days for the consultant to do the study and report back to the City Commission. He stated that he believes 60 days is probably enough time to answer the question of the mode (BRT versus LRT).

Discussion continued.

Mayor Dermer instructed the City Attorney to prepare a referendum question for the November election.  
**Legal Department to handle.**

Jorge Gonzalez, City Manager, stated that he wants to be very clear on his directions. He stated that his direction is to 1) have the authorization to issue an RFQ; 2) the scope of the RFQ will be shared with Commission via LTC for their review and input; 3) The Administration will bring back, as quickly as possible, the selected consultant. He also stated that the project for the consultant is to report back within 120 days with the answer to the question of mode, comparing bus rapid transit, light rail transit or some other form of transportation and to give the pros and cons of each.

Mayor Dermer asked for the presentation of the trackless trolleys that was requested in his memorandum. **Robert Middaugh to handle.**

**Amendment:**

Commissioner Bower asked to include in the study the technology involved in connecting elevated rail to ground rail since the City of Miami Beach does not want elevated rail while it appears Miami-Dade County Commissioner Barreiro is looking at heavy rail or elevated rail.

**Commissioner Gross did not accept the amendment.**

Commissioner Gross stated that he does not want to issue a second RFQ to do Phase II.

**Motion #3, as proposed by Commissioner Gross and seconded as amended by Commissioner Steinberg; Voice vote: 7-0.**

**Addendum item.**

**11:25:50 a.m.**

**Supplemental Material-Resolution:**

R9F Discussion Of Florida Department Of Transportation's (FDOT) Plans Regarding Configuration Of Harding Avenue.

(Requested By Vice-Mayor Luis R. Garcia, Jr.)

**ACTION: Discussion held. Resolution No. 2003-25160 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 60; Absent: Commissioner Cruz.** Vice-Mayor Garcia, Fred Beckmann and FDOT to meet to find an acceptable solution and prepare a resolution. Commissioner Steinberg requested that the City Commission authorize the Administration, in the event the discussions with FDOT fail, to add this issue to the City's lobbyist priority list and also to try to enlist the support of the City's elected officials in Tallahassee. Robert Middaugh to handle.

Vice-Mayor Garcia stated that there were two fatalities within the last year in almost the same spot. Harding Avenue is a very dangerous street. The lanes are very narrow, there is parking on both sides of the street, and the street is wide. The street is used as a thoroughfare by the City's neighbors to the North to avoid paying tolls. He stated that he thought FDOT and the City had agreed on a plan but FDOT has ignored the City's request. FDOT's solution will make the situation worse. Basically it has maintained the unsafe conditions while eliminated parking. The issue is safety.

Commissioner Steinberg stated that he is also troubled with this. He thanked Commissioner Gross for raising the issue of eliminating the parking on alternate sides of the street versus one side of the street, since it would cause drivers to zigzag across the lanes of traffic to park. This makes the situation less safe versus more safe. The City Commission requested FDOT to look into making the street a two-way street and if that was not acceptable, to keep the parking on one side of the street only.

Neil Fritz, Executive Director of North Beach Development Corporation (NBDC), is meeting with each of

the Commissioners to share the Master Plan. There is a lot of discussion regarding Harding Avenue. Last May this Commission recommended suggestions for Harding Avenue. He requested that the Commission bring the life safety issue and parking on alternate sides of the street to FDOT. He also added that there should be bump-outs at every intersection.

Commissioner Gross stated that part of the plan the City is opposed to is parking on alternate sides of the street.

Jorge Gonzalez, City Manager, suggested preparing a new resolution restating the sentiment of the City Commission.

### **R10 - City Attorney Reports**

#### **R10A Notice Of Closed Executive Session.**

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On March 19, 2003 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Case:

Christopher Matthews Properties, Inc. Vs. Charles Hotel Condo Association, Inc. Eleventh Judicial Circuit, General Jurisdiction, Case No. 98-26315 CA 21

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard L. Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Deputy City Attorney Robert Dixon And First Assistant City Attorney Debbie Turner.

**ACTION: Announced and held.**

### **Reports and Informational Items**

#### **A Parking Status Report.**

(Parking Department)

**ACTION: Written report submitted.**

#### **B Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.**

(Capital Improvement Projects)

**ACTION: Written report submitted.**

**6:17:40 p.m.**

#### **C Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 4.**

(Capital Improvement Projects)

**ACTION: Oral report given. Discussion held. Motion made by Commissioner Gross to demolish the old Fire Station #4; seconded by Commissioner Steinberg; Voice vote 3-4; Opposed: Mayor Dermer, and Commissioners Bower, Cruz, and Smith.**

Commissioner Smith stated that the Finance and Citywide Project Committee discussed the issue of demolishing the old Fire Station #4. There were mixed feelings about what to do. It was decided to bring

the issue to the full Commission for discussion. There are issues of preservation, cost savings, and money shortfall.

William Cary, Historic Preservation Director, spoke.

Commissioner Gross instructed the Administration, when it comes back to the Commission with a contract to move the old Fire Station #4, to bring back better cost estimates for the new constructions.  
**Tim Hemstreet to handle.**

- D Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.  
(Procurement)

**ACTION: Written report submitted.**

- E Transportation And Parking Committee Oral Report By Stephen Nostrand  
(City Manager's Office)

**ACTION:** Item withdrawn.

**12:50:51 p.m.**

- F Verbal Report On: 1) The Status Of Negotiations With The Developer For The Acquisition Of A 5,000 Square Foot Commercial Condominium Space At The Courts, 131 Alton Road; And 2) Public Input Regarding The Possible Uses For Said Space.  
(City Manager's Office)

**ACTION:** Oral report given by Christina Cuervo, Assistant City Manager.

Silvia Mora, Assistant Director with the Miami-Dade Public Library System, stated that she supports the City Manager's recommendation for the library.

Jorge Gonzalez, City Manager, stated that the Commission directed the Administration to discuss with the developer certain issues relative to the City executing its rights to buy about 5,000 sq. ft. at the Courts. The Administration looked at the circulation of the current South Pointe Library and found that on a square foot basis it is one of the largest active circulation in the entire system. Many residents support a library at this site and the library should occupy the entire space.

Christina Cuervo, Assistant City Manager, stated that the City and the Developer have agreed, in a letter, to the following pre-approved public uses:

- 1) Public purpose outlined in the Fourth Extension and Clarification Agreement dated July 26, 2000 between the City, the RDA, and the Courts at South Beach Limited, a Florida limited partnership f/k/a Cobb Partners South Beach, Ltd., such as a police sub-station or administrative fire or police office facilities;
- 2) Office space for cultural organizations and/or organizations which serve as art incubators;
- 3) A library facility.

Commissioner Steinberg stated that the list of usages is very short and requested the usages be expanded and have the Developer agree to the usages.

Christina Cuervo, Assistant City Manager, stated that the Administration and Developer have already met and review an extensive list of usages. The above pre-approved list is what the Developer was willing to commit to.

Commissioner Gross asked what needs to be done to decide what the final use of the space will be and when does the decision need to be made.

Christina Cuervo, Assistant City Manager, stated that the Administration will be prepared to make a recommendation as the April 2004 date approaches and when the retro fit of the space needs to begin.

Jorge Gonzalez, City Manager, stated that he would like to expand any discussions to the entire area, because a decision needs to be made on what will happen with the current library space, if the library does move.

**Addendum item.**

G City Attorney's Status Report.

(City Attorney's Office)

**ACTION: Written Report submitted via Addendum Materials.**

**End of Regular Agenda**

**Miami Beach Redevelopment Agency  
Commission Chambers, 3rd Floor, City Hall  
1700 Convention Center Drive  
March 19, 2003**

Chairman of the Board David Dermer  
Member of the Board Matti Herrera Bower  
Member of the Board Simon Cruz  
Member of the Board Luis R. Garcia, Jr.  
Member of the Board Saul Gross  
Member of the Board Jose Smith  
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez  
Assistant Director Christina M. Cuervo  
Assistant Director Mayra Diaz Buttacavoli  
General Counsel Murray H. Dubbin  
Secretary Robert E. Parcher

**AGENDA**

1. ROLL CALL

2. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of January 2003.

**ACTION: Written report submitted.**

3. NEW BUSINESS

**1:16:50 p.m.**

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Ratifying The Selection Of The Artist, Andrew Reid, For The Victory Garden Project, As Recommended By The Art In Public Places Committee, And More Particularly Described In Exhibit A; And Ratifying The Mayor And City Clerk's Authorization To Execute A Contract With The Artist; And Appropriating Funds, Not To Exceed \$33,800, From The South Pointe Redevelopment Tax Increment Funds. **Joint City Commission And Redevelopment Agency**

**ACTION: Heard in conjunction with Item R7A. Resolution No. 445-2003 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Garcia; Voice vote: 7-0. Patricia Walker to appropriate the funds. Christina Cuervo to handle.

Commissioner Gross asked when will the parking lot and garden be complete.

Tim Hemstreet, CIP Director, stated that he will have to check on the garden since it is separate from the fence. The parking lot has not been designed yet. A designer needs to be hired for the parking lot.

Commissioner Gross stated that at least the parking lot should be designed.

Tim Hemstreet, CIP Director, stated that a designer can be hired off the rotational list to begin the design process. **Tim Hemstreet to handle.**

Jorge Gonzalez, City Manager, stated that apparently there is a petition against a parking lot.

Robert Middaugh, Assistant City Manager, stated that he received a petition from James Valentine asking for a park or some other community use rather than a parking lot. Robert Middaugh to transmit the petitions to the City Commission.

Handout or Reference Materials:

1. Letter from James Valentine to City Manager, dated March 1, 2003, with attached petitions

**1:18:35 p.m.**

**Supplemental Material:**

- B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Appropriating Funds In The Amount Of \$887,290 From South Pointe Tax Increment Funds, With Respect To Construction Costs Associated To (A) SSDI-North Seawall Repair; (B) SSDI-North Embayment Fill-In; (C) SSDI-North Seawall North Pier A (D) Construction Staging Costs; And (E) Storm Sewer Relocation; In Accordance With The Settlement Agreement Amongst The City Of Miami Beach, The Miami Beach Redevelopment Agency, And West Side Partners Limited And In Accordance With The Provisions Of The Grant Of Baywalk Easement.

**ACTION: Resolution No. 446-2003 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-1; Opposed: Commissioner Cruz. Patricia Walker to appropriate the funds. Christina Cuervo to handle.

**1:20:40 p.m.**

- C A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Accepting A Grant Of A Temporary Baywalk Easement, In Substantially The Attached Form; And Further Appropriating An Amount Not To Exceed \$60,000 From South Pointe Tax Increment Funds For The Operation And Maintenance Of A Temporary Pedestrian Baywalk To Be Located On The Alaska Parcel Temporary Parking.

**ACTION: Resolution No. 447-2003 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Gross. Patricia Walker to appropriate the funds. Christina Cuervo to handle.

Meeting adjourned at 7:17:37 p.m.

**End of RDA Agenda**